

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF PENNSYLVANIA**

NEW HAMPSHIRE INSURANCE	:	
COMPANY a/s/o WHYY, INC.,	:	
Plaintiff,	:	CIVIL ACTION
	:	
v.	:	NO. 11-7263
	:	
DIELECTRIC COMMUNICATIONS,	:	
INC., et al.,	:	
Defendants.	:	

ORDER

AND NOW, this 25th day of June 2012, for the reasons set forth in the accompanying memorandum, it is **ORDERED** that:

- Defendant's Motion to Dismiss (ECF No. 3) Counts I and II is **DENIED** without prejudice.
- Defendant may at a later stage in the litigation re-raise its argument against Plaintiff's Count I negligence claim only on the grounds of the economic loss doctrine.
- Plaintiff may proceed with its Count II breach of contract claim, only as it relates to the warranty's replacement parts provision.

It is **FURTHER ORDERED** that the stay of discovery (ECF No. 14) is lifted and that the parties shall proceed with discovery as outlined in the Court's Scheduling Order (ECF No. 11).

ANITA B. BRODY, J.

Copies **VIA ECF** on _____ to:

Copies **MAILED** on _____ to:

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